

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, March 9, 1939.

The City Council convened in regular session, at the regular meeting place at the City Hall on March 9, 1939, at 10:30 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen Chas. F. Alford, Simon Gillis, Mayor Tom Miller, and Councilman Oswald G. Wolf; absent, Councilman C. M. Bartholomew.

The reading of the Minutes was dispensed with.

Dan P. Craddock appeared before the Council and submitted a request for a reconsideration of his application for a change in the zoning of his property at 1803-5-7 West Sixth Street, known as Lots 1 and 2, Block 2, Graham's Addition, from "B" Residence District to "C" Commercial District.

In accordance with the foregoing request, a public hearing on the proposal to change the zoning of the above described property from "B" Residence District to "C" Commercial District was called for March 30, 1939, at 11:00 A. M.

E. D. Barr came before the Council and asked that street lights be installed in Rosedale and Alta Vista Additions, and that the light brackets to be removed from San Jacinto Boulevard be used in such installations. The matter was referred to the City Manager with instructions to have the request granted as soon as possible.

Councilman Alford introduced the following resolution:

WHEREAS, Page and Southerland, architects in charge of Docket Number Texas-1854-DS-3, being the work provided for in the electric contract for the Municipal Building for the City of Austin, advised on December 8, 1938, that said contract had been completed by the Curtis Electrical Company in accordance with the plans and specifications, and in accordance with the rules and regulations of the Public Works Administration, and in an acceptable manner to the PWA Inspector, with the exception of certain minor items as scheduled in a letter from the said architects and amounting to \$241.21; and

WHEREAS, said architects now advise that these exceptions have been satisfactorily taken care of and have recommended the acceptance of the contract of Curtis Electrical Company as completed in its entirety; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT said project and the work thereof is hereby accepted as completed and the City Manager be and he is hereby authorized and directed to approve the final estimate and to issue a warrant in payment thereof; and the City Manager is further authorized and directed to release said Curtis Electrical Company from any further liability in connection with said work, and to authorize the cancellation of the bonds guaranteeing the successful completion of the project.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Bartholomew absent.

Councilman Gillis introduced the following resolution:

WHEREAS, Mrs. R. V. Murray, owner of Lots 1 and 2, Block 24, of Rosedale "C", a subdivision within the City of Austin, Travis County, Texas, according to a map or plat of said Rosedale "C" of record in the office of the County Clerk of Travis County, Texas, which property abuts the west side of Burnet Road and the north side of West 45th Street, being situated at the northwest corner of the intersection of said streets, and being locally known as 4500 Burnet Road, has made application to the City Council of the City of Austin for permission to construct commercial driveways across the

west sidewalk area of said Burnet Road at the above described location and the said Mrs. R. V. Murray did not submit the plan with this request but stated that she would submit a plan that would comply with all City rules and regulations governing this type of construction; and

WHEREAS, the City Council of the City of Austin has favorably considered the granting of said request; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Mrs. R. V. Murray, owner of Lots 1 and 2, Block 24, Rosedale "C", a subdivision within the City of Austin, Travis County, Texas, according to a map or plat of said Rosedale "C" of record in the office of the County Clerk of Travis County, Texas, which property abuts the west side of Burnet Road and the north side of West 45th Street, being situated at the northwest corner of the intersection of said streets, and being locally known as 4500 Burnet Road, is hereby permitted to construct commercial driveways across the west sidewalk area of Burnet Road at the above described location, subject to certain plans that will be submitted, provided said plans meet the approval of the City Engineer of the City of Austin and further provided that said plans be submitted not later than one week after the date of this resolution and further subject to the construction of concrete ramps, curbs, driveways, sidewalks and expansion joints as shown upon the plan marked 2-C-791, which plan is hereby made a part of this resolution, and further subject to the condition that all concrete curb, ramp and driveway construction done within the City streets shall be done by a bonded sidewalk contractor under the direction and supervision of the City Engineer of the City of Austin and in accordance with lines and grades furnished by the Engineering Department of the City of Austin.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Bartholomew absent.

Councilman Alford introduced the following resolution:

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Texas Public Service Company be, and the same is hereby, permitted to lay and construct its gas mains in and upon the following streets:

(1) A gas main in BRIDLE PATH westerly 412 feet from a point 349 feet east of the east line of Exposition Boulevard, the centerline of which gas main shall be 18 inches south of and parallel to the north line of said Bridle Path.

Said gas main described above shall have a covering of not less than 2½ feet.

(2) A gas main in KINNEY ROAD southerly 141 feet from a point 341 feet south of the south line of Fredericksburg Road, the centerline of which gas main shall be 6½ feet west of and parallel to the east line of said Kinney Road.

Said gas main described above shall have a covering of not less than 2½ feet.

(3) A gas main in EAST 38TH STREET easterly 68 feet from a point 459 feet east of the east line of Red River Street, the centerline of which gas main shall be 13 feet south of and parallel to the north line of said East 38th Street.

Said gas main described above shall have a covering of not less than 2½ feet.

(4) A gas main in JESSIE STREET southerly 103 feet from a point 348 feet south of the south line of Juliet Street, the centerline of which gas main shall be 7½ feet west of and parallel to the east line of said Jessie Street.

Said gas main described above shall have a covering of not less than 2½ feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the City Engineering Department not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchise granted to said Company by the City of Austin.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Bartholomew absent.

Councilman Gillis introduced the following resolution:

WHEREAS, Mrs. R. V. Murray is the owner of Lot 3, Block 24, of Rosedale F, a subdivision within the City of Austin, Travis County, Texas, according to a map or plat of record in the office of the County Clerk of the said County and which property abuts the west side of Burnet Road at a location north of 45th Street, and being locally known as 4508 Burnet Road, has made application to the City Council of the City of Austin for permission to construct a commercial driveway across the west sidewalk area of said Burnet Road at the above described location as shown upon the plan hereto attached, marked 2-H-630, which plan is hereby made a part of said request; and

WHEREAS, the City Council of the City of Austin has favorably considered the granting of said request; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Mrs. R. V. Murray, owner of Lot 3, Block 24, of Rosedale F, a subdivision within the City of Austin, Travis County, Texas, according to a map or plat of record in the office of the County Clerk of the said County, and which property abuts the west side of Burnet Road at a location north of 45th Street and being locally known as 4508 Burnet Road, is hereby permitted to construct a commercial driveway across the west sidewalk area of Burnet Road, subject to the construction of concrete ramps, curbs, driveways, sidewalks and expansion joints as shown upon the plan marked 2-H-630, which plan is hereby made a part of this resolution, and further subject to the condition that all concrete curb, ramp and driveway construction done within the City streets shall be done by a bonded sidewalk contractor under the direction and supervision of the City Engineer of the City of Austin, and in accordance with lines and

grades furnished by the Engineering Department of the City of Austin.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Bartholomew absent.

Councilman Wolf introduced the following resolution:

WHEREAS, N. W. Groslin is the owner of Lot 1, Block 1, of Pecan Grove Addition, a subdivision within the City of Austin, Travis County, Texas, which property abuts the west side of Fredericksburg Road and the north side of Barton Springs Road and being situated at the northwest corner of the intersection of said roads, and has made application to the City Council of the City of Austin for permission to set the curb back from the established curb line on the west side of Fredericksburg Road at the above described location, as shown upon the plan hereto attached marked 2-C-786, which plan is hereby made a part of said request, the new curb of which setback will be 4 feet west of the established curb line on Fredericksburg Road, thereby relieving traffic conditions by creating a greater width of travelway on Fredericksburg Road; and

WHEREAS, a plan has been prepared showing the proposed layout of the above described curb setback and said plan has been considered and approved by the City Council of the City of Austin; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT permission is hereby granted N. W. Groslin, owner of Lot 1, Block 1, of Pecan Grove Addition, a subdivision within the City of Austin, Travis County, Texas, which property abuts the west side of Fredericksburg Road and the north side of Barton Springs Road and being situated at the northwest corner of the intersection of said roads, to set the curb back from the established curb line on Fredericksburg Road adjacent to the above described property.

Permission to construct the above described curb setback is granted subject to the same's being constructed in accordance with the plan approved by the City Engineer of the City of Austin, which plan is hereto attached marked 2-C-786 and made a part hereof, and in accordance with the following conditions:

(1) That the construction of the setback area on Fredericksburg Road shall be carried out in accordance with the accompanying plan marked 2-C-786 and that all such widened areas, driveways or ramps and curbs shall be constructed of concrete at the expense of the applicant.

(2) That all such concrete shall be not less than 6 inches in thickness and shall be of the following proportions: 1 part cement, 2½ parts of sand, and 4 parts of screened gravel or rock.

(3) That the concrete curbs adjacent to the sidewalk area shall be not less than 6 inches high and that an expansion joint not less than ¾ inch thick shall be placed between the curb and the sidewalk as shown on the plan hereto attached marked 2-C-786.

(4) That all such expansion joints shall be of the pre-moulded type.

(5) That all concrete work within the street area shall be done by a bonded sidewalk contractor.

(6) That the applicant shall be required to clean the newly created ramp area at least twice per week and shall dispose of the debris at his expense.

(7) That all work shall be done in accordance with lines and grades furnished by the Engineering Department of the City of Austin and under the direction of the City Engineer.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Bartholomew absent.

Councilman Wolf introduced the following resolution:

"Austin, Texas
March 9, 1939

Mr. Guiton Morgan
City Manager
Austin, Texas

Dear Sir:

We, the undersigned, have considered the application of Tom Wallace Miller, acting by and through Kreisle and Brooks, architects, owner of a tract of land out of the Isaac Decker League and being within the City of Austin, Travis County, Texas, which property is situated at the southeast corner of the intersection of South Congress Avenue and Miller Street, for permission to construct, maintain and operate a drive-in gasoline filling station and to construct curbs, ramps and commercial driveways in conjunction therewith at the above described location, and we hereby advise that the following conditions exist:

The property upon which this filling station is to be located is designated as "C-2" Commercial Use District on the zoning maps of the City of Austin.

The drainage from this filling station should be concentrated into a seep well located upon the property of the applicant.

We recommend that Tom Wallace Miller, acting by and through Kreisle and Brooks, architects, be granted permission to construct, maintain and operate said drive-in gasoline filling station and to construct curbs, ramps and commercial driveways in conjunction therewith, subject to the following conditions:

(1) That all buildings and equipment shall be placed inside of the property line, correct lines to be obtained before construction starts or equipment is installed. Lines and grades to be obtained from the City Engineering Department for entrances and driveways, building lines to be approved by the City Building Inspector. That the applicant shall confer with the City Engineering Department as to the future grades of the sidewalks and gutters on the adjacent streets before he starts any construction relative to the filling station.

(2) That all construction of the filling station improvements shall be in accord with the Building Ordinance, the Zoning Ordinance, the Filling Station Ordinance, and in accord with the ordinance prohibiting the disposal of commercial water or oils upon the City streets.

(3) That the grades of the station shall be such that no waste oils or water or any floor washings shall ever pass over the City sidewalk area and that all of said oils and water shall be concentrated into a combined grease and sand trap which shall be constructed in accordance with our standard plan 2-M-146 and shall be conducted by a pipe connection from said sand trap to the nearest storm sewer at the expense of the applicant, or shall be concentrated into a seep well located upon the property of the applicant. Before commencement of any construction, the applicant shall apply to the City Engineer for an estimate of the cost of that portion of the storm sewer which will have to be built within any City street or alley and shall deposit in escrow a sum equal to said estimate with the City Finance Director.

(4) That all filling station improvements, pumps, driveways, ramps, gutters, sidewalks and curbs shall be constructed of concrete at the expense of the applicant as set forth upon the plan hereto attached, which plan bears the City Engineer's file number 2-G-232.

(5) Expansion joints shall be constructed as shown upon the plan hereto attached marked 2-G-232 and shall be of the pre-moulded type.

(6) That before use of said station, the owner shall apply to the Building Inspector for final inspection when he considers that he has complied with all the requirements of the City.

Respectfully submitted,

(Signed) J. E. Motheral
City Engineer

J. C. Eckert
Building Inspector. "

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Council of the City of Austin hereby approves as a filling station site the property described as a tract of land out of the Isaac Decker League and being within the City of Austin, Travis County, Texas, which property is situated at the southeast corner of the intersection of South Congress Avenue and Miller Street, being owned by Tom Wallace Miller, acting by and through Kreisle and Brooks, architects, and hereby authorizes the said Tom Wallace Miller to construct, maintain and operate a drive-in gasoline filling station and to construct curbs, sidewalks and commercial driveways in conjunction therewith, subject to the same's being constructed in

compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations and plans; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this filling station after full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of proper police, traffic, and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said Tom Wallace Miller has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

The foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, and Wolf; nays, none; Mayor Miller present but not voting; Councilman Bartholomew absent.

A written offer from Mrs. Margery H. Hanks for the purchase of Lots 10 and 22 of Shoal Creek Drive, for a cash consideration of \$750 and \$800, respectively, was received. The City Manager was authorized to accept the offer for Lot 22, and also for Lot 10 in the event it has not been sold heretofore.

Councilman Gillis introduced the following ordinance:

AN ORDINANCE APPOINTING ELECTION JUDGES AND CLERKS
TO SERVE AT THE VARIOUS POLLING PLACES IN THE
VARIOUS ELECTIONS TO BE HELD IN THE CITY OF AUSTIN
DURING THE TERM OF TWO YEARS.

The ordinance was read the first time and Councilman Gillis moved that the rule be suspended and the ordinance be passed to its second reading. The motion was seconded by Councilman Alford, and was carried by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Bartholomew absent.

The ordinance was read the second time and Councilman Gillis moved that the rule be further suspended and the ordinance be passed to its third reading. The motion was seconded by Councilman Alford, and was carried by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Bartholomew absent.

The ordinance was read the third time and Councilman Gillis moved that the ordinance be finally passed. The motion was seconded by Councilman Alford, and was carried by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Bartholomew absent.

The Mayor then declared the ordinance finally passed.

A resolution of the Capital City Post No. 316, American Legion, favoring the adoption of an ordinance to regulate soliciting in the City of Austin, was received and ordered filed.

The City Attorney was instructed to prepare an ordinance, as comprehensive and at the same time as simple as possible, regulating the soliciting of funds for any and all charitable purposes, such ordinance to include regulation of advertising from house to house and the distribution of circulars, for passage at the next regular meeting, if possible.

Mr. Henry Brite, representing the Federal Electric Home & Farm Authority of Washington, D. C., submitted a proposal for the City of Austin to assist the Authority in the collection of payments as they become due on electric appliances and wiring of houses for customers under a financing plan of said Authority.

After considerable discussion of the proposal, the Council took the matter under

advisement and requested Mr. Brite to submit said proposal in writing.

The following resolution was introduced:

WHEREAS, City of Austin taxes were assessed in the name of Floree Haire, for the years 1936 and 1937 on 65-2/3' x 78 1/2' of the Northeast corner of Lots 5 and 6, Block 147, Original City, Plat 5, in the City of Austin, Travis County, Texas; said taxes being for the sum of \$162.80, and for non-payment of said taxes at maturity, penalty in the sum of \$8.14 has been assessed, and interest in the sum of \$14.64, making the total amount of taxes, penalty and interest \$185.58; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$8.14 and one-half the interest in the sum of \$7.32; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the aforesaid penalty in the sum of \$8.14, and one-half of the interest in the sum of \$7.32, are hereby remitted, and the Tax Assessor and Collector of the City of Austin is authorized and directed to charge said penalty in the sum of \$8.14 and one-half the interest in the sum of \$7.32, off his rolls and to issue to the party entitled to receive same a receipt in full on the payment of said taxes and one-half the interest, as aforesaid.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Bartholomew absent.

The following resolution was introduced:

WHEREAS, City of Austin taxes were assessed in the name of Farmers & Ginners Cotton Oil Company for the year 1937 on personal property in the City of Austin, Travis County, Texas; said taxes being for the sum of \$998.80, and for non-payment of said taxes at maturity, penalty in the sum of \$49.94 has been assessed, and interest in the sum of \$56.93, making the total amount of taxes, penalty and interest \$1,105.67; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$49.94, and interest in the sum of \$56.93; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the aforesaid penalty in the sum of \$49.94, and interest in the sum of \$56.93, which is all of the interest, are hereby remitted, and the Tax Assessor and Collector of the City of Austin is authorized and directed to charge said penalty and interest off his rolls and to issue to the party entitled to receive same a receipt in full on the payment of said taxes in the sum of \$998.80, as aforesaid.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Bartholomew absent.

The following resolution was introduced:

WHEREAS, City of Austin taxes were assessed in the name of Bargain Furniture Company for the years 1935, 1936 and 1937 on personal property in the City of Austin, Travis County, Texas; said taxes being for the sum of \$280.15, and for non-payment of said taxes at maturity, penalty in the sum of \$14.00 has been assessed, and interest in the sum of \$31.20, making the total amount of taxes, penalty and interest, \$325.35; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to

remit said penalty in the sum of \$14.00; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the aforesaid penalty in the sum of \$14.00 is hereby remitted, and the Tax Assessor and Collector of the City of Austin is authorized and directed to charge said penalty off his rolls and to issue to the party entitled to receive same a receipt in full on the payment of said taxes and interest, as aforesaid.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Bartholomew absent.

Upon motion, seconded and carried, the meeting was recessed at 12:30 P. M., subject to call of the Mayor.

Approved:

Tom Miller
Mayor

Attest:

Harrie McKee
City Clerk

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, March 16, 1939.

The City Council of the City of Austin convened in regular session, at the regular meeting place in the City Hall, on Thursday, March 16, 1939, with the following members present: Councilmen Chas. F. Alford, C. M. Bartholomew, Simon Gillis, Mayor Tom Miller, and Councilman Oswald G. Wolf; with the following absent: NONE.

The reading of the Minutes was dispensed with.

Councilman Alford introduced a proposed resolution and moved its adoption. The resolution was read in full. Councilman Bartholomew seconded the motion. The motion was carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The Mayor announced that the resolution had been finally passed.

The resolution is as follows:

RESOLUTION ACCEPTING AN OFFER OF THE UNITED STATES OF AMERICA TO AID BY WAY OF GRANT IN FINANCING A PROJECT THEREIN DESCRIBED.

WHEREAS, the United States of America has offered to aid the City of Austin, Texas, by way of grant, in financing the construction of extensions and improvements to the municipal waterworks system and the construction of improvements to a service station, including necessary equipment; and

WHEREAS, at a regular meeting of the City Council of the City of Austin held